

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

In re

Case No. 04-31949-DHW
Chapter 13

EVELYN DANIELS SHEFFIELD,

Debtor.

ORDER DENYING MOTION TO VACATE ORDER OF DISMISSAL

The debtor filed a motion to vacate the June 20, 2006 order of dismissal. The debtor desires to convert this case to a case under chapter 7.

This case was dismissed because the debtor failed to make payments to the trustee pursuant to the terms of the confirmed plan. The debtor did not file an objection to the trustee's motion.

The motion came on for hearing on July 17, 2006.

The debtor had ample opportunity to convert the case prior to dismissal. The trustee's motion to dismiss was filed on May 25, 2006 and the order of dismissal did not enter until June 20, 2006. The motion to vacate does not give any reason for the debtor's failure to object to the trustee's motion. Routinely granting motions to vacate would destroy the finality of a dismissal order as well as impose a burden on both the court and the Clerk of Court. Accordingly, it is

ORDERED that the motion to vacate is DENIED. Nothing in this order prohibits the debtor from filing a chapter 7 case.

Done this 20th day of July, 2006.

/s/ Dwight H. Williams, Jr.
United States Bankruptcy Judge

c: Debtor

Forrest C. Rule, Attorney for Debtor
Curtis C. Reding, Trustee